

HOUSE BILL 1735

By Kernell

AN ACT to amend Tennessee Code Annotated, Title 2,
relative to voting procedures.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-19-107, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) The following test shall be applied to determine whether a person may be prosecuted for violating subdivision (a)(1) relative to voting more than once in the same election:

(1) As used in this subsection "elderly person" means a person sixty-five (65) years of age or older.

(2) If:

(A) The permanent voting records for an elderly person or a person having a mental or developmental disability indicate that such person has filed an application for an absentee ballot or cast a vote during the early voting period; and

(B) Such person appears at the polling place or election office on election day to vote or casts a provisional ballot at the polling place or election office; and

(C) An election official or the district attorney general believes or has a reasonable suspicion based on specific objective facts and reasonable references drawn from those facts to believe that such person

is genuinely unaware of or has no remembrance of already voting or
having applied for an absentee ballot;

Then such person shall be deemed as not having violated subdivision

(a)(1).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring
it.